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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
November 7, 2012

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Bruce Saito
Mark Andre
Richard Wade
J. Keith Gilles
Jim Ostrowski
Susan Britting
Mike Miles

BOARD OF FORESTRY MEMBERS ABSENT:

None

BOARD STAFF:

George Gentry, Executive Officer
Matthew Dias, Executive Officer, Forester's Licensing
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Janet Barentson, Chief Deputy Director
Chris Browder, Deputy Chief, THP Administration
Pete Cafferata, Forest Hydrologist

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

Call to Order

Chairman Dixon called the November 7, 2012 meeting of the Board of Forestry and Fire Protection to order.

Announcement of Actions Taken in Executive Session

No Executive Session

Approval of Minutes

10-12-01 Member Saito moved to approve October 2012 Minutes. Member Ostrowski seconded the motion. The motion passed unanimously.

MONTHLY BOARD REPORTS

Report of the Chairman.

Announced and congratulated Chris Zimny's promotion to Staff Chief for the Environmental and Cultural Resource Protection Program.

Report of the Director/Department. Full Report available on the Board's website.

Chief Deputy Director Janet Barentson for Director Pimlott:

- Director Pimlott is in San Diego for the WFLC meeting.
- The Governor's Tax Initiative passed. Cal Fire was removed from the trigger cuts, the department will work with the administration to restore the 30 million back into the budget.
- Reported on the death of Battalion Chief Rob Van Wormer. Rob passed away unexpectedly on Saturday, October 27th while conducting a law enforcement investigation in the Santa Cruz area. Director Pimlott and Janet Barentson were in attendance for his funeral.
- Fire stats:
- Since January fires are up by almost 6,000 as compared to last calendar year. Fire season in the South has been mild, There is one active fire in Santa Barbara County. Twelve of the twenty largest fires have been in the last decade.
- SRA stats:
- The Department is over halfway through the initial billing of SRA Fee. Currently post cards are being sent to Shasta County, with bills going out to San Diego and San Joaquin Counties. Approximately 1/5 of those living in SRA have exceeded the 30 day payment window, the Board of Equalization will be sending follow up letters with demand for payment. Cal Fire has received approximately 43,000 out of 550,000 petitions for redetermination, from bills that have been sent thus far. Around 80% of the petitions the Department has no ability to address the issue they are claiming, letters are being sent in acknowledging the their petition was received but there is no basis in which to address their issue. Less than 2% of bills sent are based on an error. Janet Barentson was appointed to be the Department's representative to the Western Governors Association Forest Health Advisory Committee. They are working on a number of the things related specifically to fire and coordinating efforts between the Forest Service and the States, asking the Forest Service to be more aggressive in their fire techniques. There will be several items coming from the committee and WFLC in the next several months.
- Cal Fire is working with Department of General Services to provide the States Christmas Tree. The tree is from La Tour Forest and arrived at the State Capitol. Cal Fire is proud the tree came from a State National Forest this year.
- At the Board's request Director Pimlott spoke with Jean Wade Evans with the US, she will attempt to attend a Board meeting to provide a Forest Update.

- Bill Snyder is working with the department's regions to determine an inventory of fuels projects that may have had an impact on wildfire or wildfire severity. There is a possibility there will be a presentation for the January meeting.

Report of the Regulations Coordinator.

- George Gentry reported that the SRA Permanent Regulation is scheduled for hearing in December.
- The Sudden Oak Death Permanent Regulation has been finalized.
- The 1299 Defensible Space is still pending, Mr. Gentry made additional edits to the regulation for clarity; the Regulations Coordinator has until January 2013 to finalize it.

Report of Executive Officer.

- The Board of Equalization Timber Tax Advisory Council met to approve schedules for the first part of 2013. Because of the Ponderosa, Bagley and Chips fires the Council approved a modified schedule for TBA 5 and 7, which significantly reduced salvage values. There will be a significant amount of timber coming out of those areas. He noted that for the first time Mendocino County has had a higher value in redwood than Humboldt County. At the next meeting in April the Council will adjust the allowance for cable yard
- The Executive Officer accompanied Cal Fire Staff to the Pit River Tract, Stewardship lands in partnership with UC Berkeley.
- Jackson Advisory Group met November 1st. The group had good dialogue and plan to meet on a quarterly basis.
- Research and Science Committee met November 5, in Davis. The committee discussed a work plan that will be submitted to the Board. Lowell Dillard briefed the committee on the Green Diamond project, that will become a part of the VTAC project. Discussed Effectiveness Monitoring Committee, the Research and Science Committee will assist with moving that forward. The committee will be focusing on Adaptive Management in the coming year.
- Jane Hayes from Pacific Southwest Research Station suggested a series of town hall meetings. The committee will be contacting UC Berkeley, Humboldt State, Cal Poly, and possibly UC Riverside to set up a series of meetings with various stakeholders throughout the state to discuss what they see as research priorities for the State of California. The timeline for that is to have the report to the Board by Fall 2013 for approval.

Report of the Standing Committees

Forest Practice, Mark Andre, Chair

No action items

- Discussion led by Chris Browder on Northern Spotted Owl Rules.
- Reviewed the Draft Modified THP Acreage Increase Proposal. We agreed on a possible increase number.
- Reviewed the possible response to Del Norte County Rezoning Proposal and possible revisions to Board policy.
- Reviewed proposed revisions to Road Rules text. The committee finished work on technical guidance document.
- Reviewed 2012 Priorities.

Resource Protection, Bruce Saito, Chair

No action items

- Update by George Gentry and Chris Zimny on current nursery policy. Discussions will continue in the coming months.
- Update on Public Resources Code 4290 Department Workgroup.
- Reviewed Fire Safe Regulations submitted to the Board for certification.
- Update by Melodie Durham on Wildland Prevention Engineering.
- Update by George Gentry on Utility Line Issues.

New and Unfinished business

- Update and review of permanent regulations for State Responsibility Area Fees by Dean Cromwell. He mentioned the call center set a record for the number of calls in one day at 2,900 calls.
- Update on VTP EIR. The VTP EIR report should be online by the end of next week, and released for public comment concurrently.

Report of Board's Advisory Committees

- Forest Pest Council-

- California Oak Mortality Task Force (COMTF) – Katie Palmieri

- **A spike in infection and establishment of *P. ramorum* in Bay Area urban residential** areas is one of the findings from the 2012 SOD Blitzes. Urban outbreaks were detected in Santa Cruz County, Carmel Valley Village (Monterey Co.), and in Golden Gate Park (San Francisco Co.) in a southwestern sector near Middle Lake, several miles from the previously infected site in the AIDS Memorial Grove. Most of the Bay Area locations sampled had increased levels of infection, with the East Bay infestation found to have transitioned from a “newly arrived” status (in 2011) to epidemic levels on bay (in 2012), suggesting oak and tanoak infection in those areas are likely to increase.
- ***Phytophthora ramorum* management in Redwood Valley is still underway, following** the unexpected 2010 discovery of a Sudden Oak Death outbreak in Redwood Valley. The collaborative project, being led by UC Cooperative Extension, Humboldt County, is the largest landscape-level slow-the-spread attempt to date in California.
- **“Trees, Pests, & People,” a video on the impacts to walnut, avocado, and ash from** invasive species, is available online at <http://www.dontmovefirewood.org/films/trees-pests-people/watch-the-film/watch-online.html>. Developed by The Nature Conservancy, USDA, and other partners, it addresses how relevant forest pests affect people's lives and how we can all help to protect our trees and forests.

- Monitoring Study Group- Pete Cafferata

- The MSG has not met since the last Board meeting.
- **The next MSG meeting will be held December 12th, likely in Willows. Agenda items lined up to date include:**
 - A presentation by Ms. Karen Larsen, State Water Resources Control Board, Sacramento, titled “Developing the Biological Objectives Regulatory Framework.”
 - Discussion on forming the new MSG Effectiveness Monitoring Committee in January 2013, and possible relationships to AB 1492's requirement for evaluation of ecological performance. An additional monitoring presentation will be added, but we are still working on booking the speaker.
- **Formation of the new Effectiveness Monitoring Committee is actively being discussed by Board and CAL FIRE staff.** Preliminary concepts being considered include:
 -
 - Making the EMC a formal standing committee with members appointed by the Board.
 - Having the EMC report to the Board's Research and Science Committee.

- Having the Research and Science Committee develop a Charter for the EMC.
 - When a draft charter is produced and approved by the RSC, have it as a discussion item for the MSG, with public input, prior to presentation to the Board.
 - The MSG will continue to function as it has over the past 10 years; primarily serving as an open forum to discuss monitoring results.
- **The review draft version of the VTAC's guidance document was sent out to reviewers on October 30th, with comments due back by November 21st.**
- A. The VTAC will meet in early December (date TBD) to review comments and make final changes to the document, which will be finished before the end of the year.
- B. VTAC pilot projects continue to be under discussion.
- The Green Diamond Resource Company pilot was discussed at the Research and Science Committee meeting on November 5th.
 - Discussions with Collins Pine Company regarding their potential pilot will resume shortly.
 - Demonstration State Forest staff are being asked to determine if they have potential pilot project areas.
 - Mark Lancaster has located a potential pilot in the Weaverville area that will be discussed at the next VTAC meeting.
- **Research and Science Committee- George Gentry**
 - No report.
- **Committee on Criminal Trespass- George Gentry**
 - No report
- **Range Management Advisory Committee- George Gentry**
 - No report
- **Professional Foresters Examining Committee – Matt Dias**
 - No change in the RPF or CRM stats.
Exam going through grading process.

SPECIAL BOARD HEARINGS/REPORTS

HEARING: “Class II-L Identification Methods Amendments, 2012”

Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4, Subchapters 4, 5, 6, Article 6 – Watercourse and Lake Protection Amend:

§§ 916.9 [936.9, 956.9](c)(4) Protection and Restoration in Watersheds with Threatened or Impaired Values.

§§ 916.9 [936.9, 956.9](g) Class II Watercourses

The proposed amendments are intended to clarify the Board's intent with regard to identification and protection of watercourses designated as “Class II-Large” (Class II-L).

Pete Cafferata presented a PowerPoint overview of the Department's recommendations, which is available on the Board's website. The main points raised were:

- 1) Clarification of the definition of a Class II-L watercourse.
- 2) Clarification for the language addressing drainage area for an office-based approach.
- 3) Clarification on how surface flow is to be used as a field-based indicator.

- 4) Modification of language addressing channel substrate as a field indicator.
- 5) Removal of language **requiring** a channel width and depth sufficient to allow large wood transport to a Class I watercourse.

Joe Croteau of DFG discussed using the Habitat Restoration Manual, and generally supported the suggested modifications offered by CAL FIRE. He offered criticism of the initial statement of reasons, and suggested more usage of the option V.

Dave Fowler of the North Coast Regional Water Board commented they are concerned that the proposed Class II-L Identification Methods will result in fewer Class II watercourses receiving Class II-L protection and create a situation where CAL FIRE approves plans that would violate the Basin Plan temperature objective. He added that the proposed revisions to the Class II-Large Identification Methods do not address contribution of subsurface flow from Class II watercourses to receiving Class I watercourses.

Richard Gienger commented that a more comprehensive approach was needed.

Ed Struffenegger commented that he was concerned that the rule was not about clarifying as it was originally, but was about expanding the application.

Justin Augustine commented that all Class II watercourses should receive Class II-L protection.

Pete Ribar commented that he believed this proposal to be balanced.

Mike Laing commented that he was concerned that this proposal would reduce the number of Class II-Ls and that he disagreed with Mr. Cafferata's 75% criterion.

Mike Tadlock commented on the potential under current rules to over classify watercourses.

11-12-02 Member Ostrowski moved to close public hearing. Member Andre seconded the motion. Motion passed unanimously.

11-12-03 Member Andre moved to remand back to committee for further review. Member Britting seconded the motion.

Member Britting commented that there seemed to be wide disagreement on the proper approach.

Member Wade commented that economics needed to be factored in.

Member Ostrowski thought that balancing the interests was important.

Chair Dixon called for a roll call vote:

Ostrowski	No
Saito	Yes
Britting	Yes
Andre	Yes
Gilless	Yes
Miles	Yes
Wade	Yes
Dixon	Yes

The motion passed 7 to 1.

HEARING: BOARD 2012 REGULATION AND PRIORITIES REVIEW

Chris Browder gave a report on recently adopted rules and potential changes to the existing Forest Practice Rules, the full report is available on the Board's website. Member Britting asked for a Department list of priorities.

Matt Chapman commented on rule clarity, and concerns over PRC 4290 enforcement.

Justin Augustine asked for more disclosure on late successional stands.

Richard Gienger asked for additional review of MSP, monitoring, and cumulative effects.

Ed Struffenegger asked for NSO rule review, road rules, and monitoring facilitated by the Monitoring Study Group. In addition, he requested cumulative effects and NTMP reviews be conducted.

Mike Tadlock asked for a look at a one year protocol for NSO.

Drew Coe requested the Effectiveness monitoring, particularly in light of AB 1492, be given priority.

CONCLUSION

Public Forum

Bill Keye reported on his tour to Mica Creek, Idaho, on a paired watershed study.

Richard Gienger, discussed dealing with Cumulative Effect guidance. He shared his thoughts on the importance of monitoring.

Ed Struffenegger, thanked and commended the Board for the online availability of the Board's monthly binder meeting materials.

New and Unfinished business

None

Adjourn

Respectfully submitted,



George D. Gentry
Executive Officer

ATTEST:



Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.